

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

RECEIVED

Case No. 5503
 Date Filed 7/6/05
 Hearing Date _____
 Receipt _____
 Fee \$400.00

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
X Special Exception
 ____ Use Variance
 ____ Change/Extension of Non-Conforming Use
 ____ Minor Area Variance
 ____ Area Variance
 ____ Variance from Requirements of the Code
 ____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5503 MAP 56 TYPE Special Exception
 ELECTION DISTRICT 01 LOCATION Lot 1 4.61 AC, 2225-27 Old Emmorton
 Road, Old Emmorton Commons 100/63
 BY Old Emmorton Commons, LLC, 2700 Philadelphia Road, Edgewood
 And J.E. Data, LLC, 1406 Turnberry Way, Bel Air
 Appealed because a special exception pursuant to Section 267-53H (9) of the Harford
 County Code to permit a medical clinic in the RO district required approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Old Emmorton Commons, LLC Phone Number Call Attorney

Address 2700 Philadelphia Road Edgewood MD 21040
Street Number Street City State Zip Code

Co-Applicant J.E. Data, LLC Phone Number Call Attorney

Address 1406 Turnberry Way Bel Air MD 21015
Street Number Street City State Zip Code

Contract Purchaser J.E. Data, LLC Phone Number Call Attorney

Address 1406 Turnberry Way Bel Air MD 21015
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner, Esquire Phone Number 410-893-7500

Address 11 South Main Street, P.O. Box 1776 Bel Air MD 21014
Street Number Street City State Zip Code

Rev. 12/02

Land Description

Address and Location of Property Lot 1 4.61 AC, 2225-27 Old Emmorton Road,
Old Emmorton Commons, 100/63

Subdivision Old Emmorton Commons Lot Number 1

Acreage/Lot Size 4.61 Election District 01 Zoning RO

Tax Map No. 56 Grid No. 3D Parcel 82 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: Office Building

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) miles of any incorporated town limits? Yes _____ No X

Request

See Attached

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

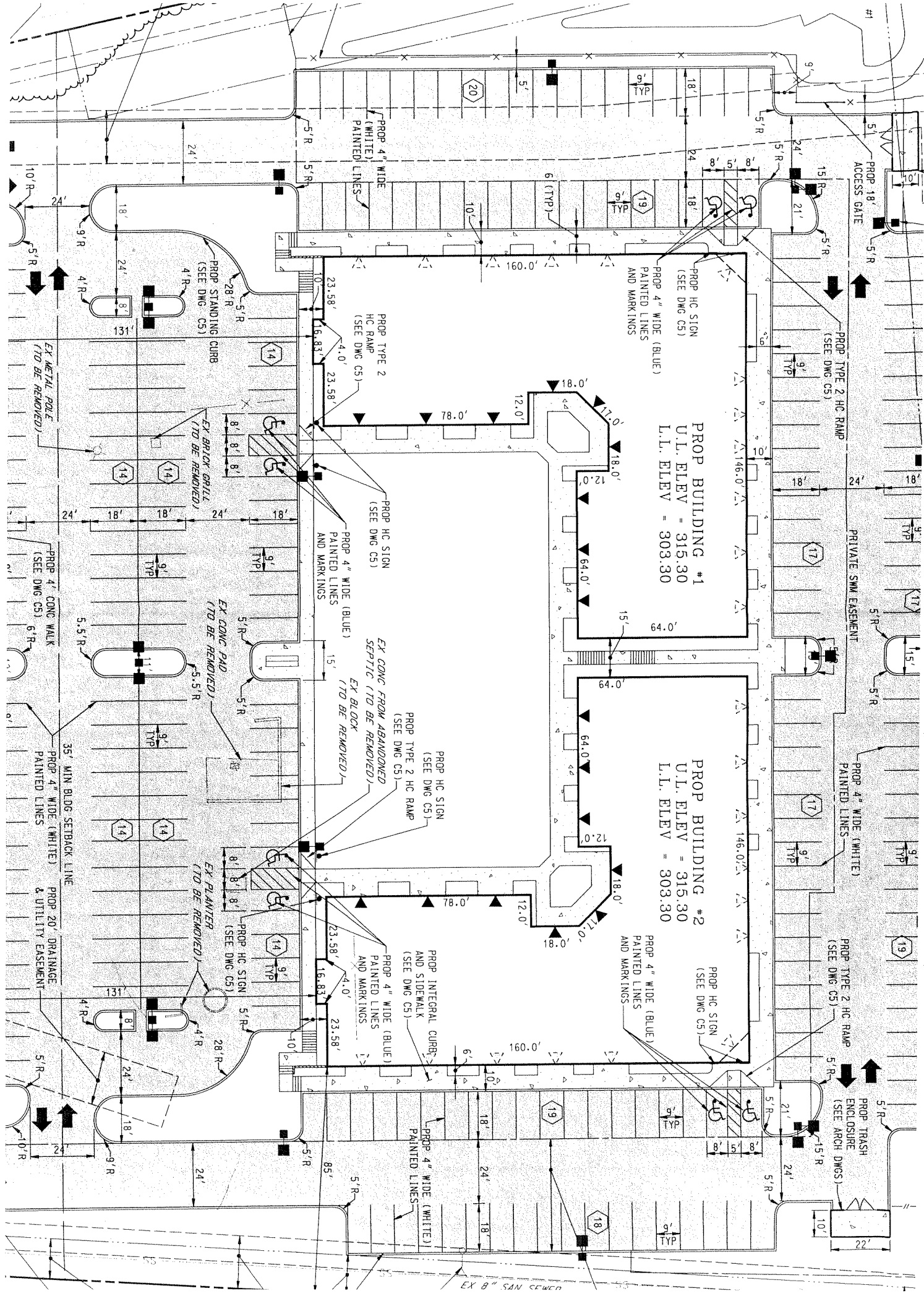
ATTACHMENT TO THE APPLICATION OF OLD EMMORTON COMMONS LLC
AND J.E. DATA, LLC

REQUEST:

Special Exception approval pursuant to Section 267-53 (H) (9) of the Harford County Zoning Code ("Code") to conduct a medical clinic use on the subject property zoned RO, Residential Office, as shown on the attached site plan.

JUSTIFICATION:

The subject property is currently improved with one (1) office building. A second office building, outlined in yellow on the site plan is proposed. The existing building is currently occupied by various tenants listed on the List of Persons Having Legal or Equitable Interest in the Subject Property attached to the application. The existing building is in the process of being converted to condominiums. The proposed building will be developed as a condominium. A contract of sale to purchase one of the condominium units in the proposed building has been signed by the Co-Applicant/Contract Purchaser. The Applicant and Co-Applicant/Contract Purchaser are requesting special exception approval to conduct a medical clinic use in the condominium unit in the proposed building which is the subject of the contract of sale. The Applicant is requesting a "blanket" special exception approval to permit such a use to be conducted in other portions of both buildings. The proposed use is compatible with uses permitted as of right in the RO district and will not cause adverse impact.



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 26, 2005

STAFF REPORT

BOARD OF APPEALS CASE No. 5503

APPLICANT/OWNER: Old Emmorton Commons, LLC
2700 Philadelphia Road, Edgewood, Maryland 21040

Co-APPLICANT: J.E. Data, LLC
1406 Turnberry Way, Bel Air, Maryland 21015

CONTRACT PURCHASER: J.E. Data, LLC
1406 Turnberry Way, Bel Air, Maryland 21015

REPRESENTATIVE: John J. Gessner, Esquire
11 South Main Street, P.O. Box 1776, Bel Air, Maryland 21014

LOCATION: 2225 – 2227 Old Emmorton Road – Old Emmorton Commons
Tax Map: 56 / Grid: 3D / Parcel: 82 / Lot: 1 – Plat 100/63
Election District: First (1)

ACREAGE: 4.61 Acres

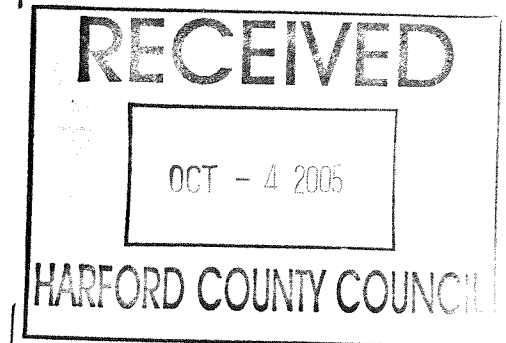
ZONING: RO/Residential Office

DATE FILED: July 6, 2005

HEARING DATE: October 10, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.



Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

STAFF REPORT

Board of Appeals Case Number 5503

Old Emmorton Commons, LLC

Page 2 of 6

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(9) of the Harford County Code to permit a medical clinic in the RO/Residential Office District.

Section 267-53H(9)(b) of the Harford County Code reads:

- (9) *Health services and medical clinics.*
 - (b) *These uses may be granted in the RO District, provided that:*
 - [1] *The structure shall be of size, scale and façade compatible with the surrounding residential neighborhood.*
 - [2] *All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses, and a landscaped buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the east side of Old Emmorton Road approximately midway between Laurel Bush Road to the north and Wheel Road to the south. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The Land Use designations in this area range from Low to High Intensities. There is a Community Center located to the west. The Natural Features Map reflects Parks, and Stream Systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

STAFF REPORT

Board of Appeals Case Number 5503

Old Emmorton Commons, LLC

Page 3 of 6

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The area includes residential development ranging from single-family dwellings to townhouses, garden apartments and condominiums. Other land uses include individual retail, personal and professional services, automotive related uses and shopping centers. There are also institutional uses which include schools, churches, nursing homes and recreational facilities. A copy of the aerial photograph is enclosed with the report (Attachments 7).

The parcel is square in shape and 4.61-acres in size. The property contains approximately 460-feet of frontage on the east side of Old Emmorton Road. The parcel is situated midway between Laurel Bush Road to the north and Wheel Road to the south. The site is partially improved with an L-shaped stone and stucco building that, due to the topography, is 1-story in the front facing Old Emmorton Road and 2-stories in the rear. The foundation of the second building, which will match the first building, is presently under construction. In the front of the building there is a grass courtyard with sidewalks. Parking is across the front of the building, down both sides and across the rear. The Applicants have provided a list of tenants presently located in the existing building (Attachment 8). There are business uses to the south and a mix of residential and service uses to the north and west. There is a residential townhouse community to the east. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RO/Residential Office and R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business, B3/General Business and CI/Commercial Industrial. The subject property is zoned RO/Residential Office. Enclosed with the report is a copy of the zoning map for the subject property and immediate surrounding area (Attachment 11).

SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53H(9)(b) of the Harford County Code to permit a medical clinic in the RO/Residential Office District.

Section 267-53H(9)(b):

(9) *Health services and medical clinics.*

(b) *These uses may be granted in the RO District, provided that:*

The subject property is zoned RO/Residential Office. The property adjacent to the north, south and west (across Old Emmorton Road) are also zoned RO/Residential Office. Properties further

STAFF REPORT

Board of Appeals Case Number 5503

Old Emmorton Commons, LLC

Page 4 of 6

to the north, south and west are zoned B1/Neighborhood Business, B2/Community Business and B3/General Business Districts. Across Route 924 to the west is the Festival Shopping Center. To the north fronting on Route 924 and Laurel Bush are additional Professional and service uses. While there are still a few residences along Old Emmorton Road many of the properties have been redeveloped as business uses. The use proposed by the applicant is compatible with the area.

- [1] *The structure shall be of size, scale and façade compatible with the surrounding residential neighborhood.*

This property received preliminary/site plan approval in July 1999 to create two office buildings. The first building is complete and has been occupied for several years. The second building will match the first building. The structures and proposed use are compatible with the surrounding neighborhood.

- [2] *All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses, and a landscaped buffer yard ten feet wide shall be provided between the parking area and any adjacent residential lot.*

All parking is accommodated on site. The Department approved a landscaping plan in September 1999 (Attachment 12). Most of the landscaping has already been installed. To the rear of the property is fencing and evergreen trees which provide a buffer to the adjacent residential community. The remainder of the landscaping must be installed once the second building has been completed.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The property is located within the County's Development Envelope. The area contains numerous residential and commercial developments. The proposed use is compatible with the surrounding neighborhood.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The proposed use will not adversely impact traffic in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

STAFF REPORT

Board of Appeals Case Number 5503

Old Emmorton Commons, LLC

Page 5 of 6

The proposed use is consistent with other uses in the area and will not have a fiscal impact on the county.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have no adverse impact on the surrounding community based on the issues listed in this subsection.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air and Abingdon Volunteer Fire Companies will provide fire and emergency protection. The property will be served by public water and sewer. A company of the Applicant's choice will handle garbage and trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is permitted in the RO/Residential Office as a Special Exception. The proposed project meets the criteria established by the Code. The request is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The request should not adversely impact any of the surrounding uses listed in this section.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The request is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The request will not have any impact on environmental features in the area.

- (10) *The preservation of cultural and historic landmarks.*

This subsection is not applicable to the request.

STAFF REPORT

Board of Appeals Case Number 5503

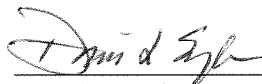
Old Emmorton Commons, LLC

Page 6 of 6

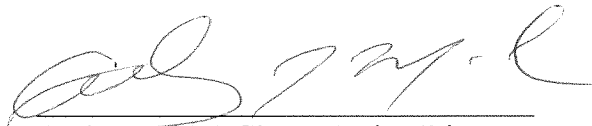
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary State and County permits for the use of the existing and proposed buildings.
2. The Applicants shall complete all landscaping as shown on attachment 12, once the construction of the second building is complete.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf